

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-04-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1428 of 2018

- 1.A.Lakshmi
- 2.S.Karunaimani
- 3.N.S.Malligadevi
- 4.G.Nachiyar
- 5.P.Rajaram

.. Petitioners

vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to
Government,
School Education Department,
Secretariat,
Fort St. George,
Chennai-600 009.

- 2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai-600 006.

- 3.The District Elementary Educational Officer,
Tuticorin District,
Tuticorin.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction and award Selection Grade and Special Grade to the petitioners in the post of Primary School Headmaster by reckoning and computing the writ petitioners service rendered in the Cadres of Secondary Grade Teacher and Primary School Headmaster with all consequential and other monetary benefits including arrears of salary, by considering the representation submitted by the petitioners dated 23.5.2015.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents : Mr.A.Raja Perumal,
Additional Government Pleader.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to sanction and award Selection Grade and Special Grade to the writ petitioners in the post of Primary School Headmaster by reckoning and computing the writ petitioners service rendered in the Cadres of Secondary Grade Teacher and Primary School Headmaster with all consequential and other monetary benefits including arrears of salary, by considering the representation submitted by the writ petitioners dated 23.5.2015.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in WP No.12092 of 2013 etc., batch dated 18.1.2018, this Court passed the following orders:-

"42. Accordingly, the following directions are issued:-

(i) The G.O.Ms.No.179, School Education Department, dated 6.9.2013 is upheld;

(ii) The benefits granted in G.O.Ms.No.179, School Education Department, dated 6.9.2013, to be implemented scrupulously in its terms and conditions to all the employees who have served in the same cadre and who are placed similarly;

(iii) If any double selection grade or double special grade was granted on account of an administrative error, the respondents are at liberty to rectify the errors in granting revision of pay and accordingly, fix the correct scale of pay as per the said Government Order;

(iv) If the revision of pay is not extended to the similarly placed persons, then the respondents are directed to grant the revision of scale of pay to all the similarly placed employees as per G.O.Ms.No.179, School Education Department, dated 6.9.2013. In this regard, the Director of Elementary School Education, is directed to prepare consolidated instructions with clear illustrations and communicate the same to all the subordinate officials, so as to avoid discrepancies and inconsistencies in respect of the implementation of G.O.Ms.No.179, School Education Department, dated 6.9.2013;

(v) The Government, in paragraph 18 of its counter-affidavit, has narrated the

statistics about the expenditure to be incurred and the same is extracted in paragraph-38 of this judgment. In view of the financial stress, the Government shall calculate and revise the pension and family pension in respect of those who expired, based on the revised scales of pay in terms of G.O.Ms.No.179, School Education Department, dated 6.9.2013 and the arrears and the consequential monetary benefits would be payable on and from 1st January, 2018;

(vi) If any wrong fixation is done after the consolidated instructions are issued, then the Government as well as the Director of Elementary School Education, have to initiate appropriate disciplinary proceedings against the officials, who have violated the Court orders and the Government instructions, in this regard;

(vii) These directions are issued to provide a quietus to the issue and to the irregularities, discrepancies and inconsistencies caused on account of erroneous implementation of various Government Orders issued in this regard by the Government. Thus, an uniform implementation is to be made by the officials without giving any room for any discriminations and confusions in future and thereby to ensure that the officials have to implement the orders in its letter and spirit and scrupulously and to avoid financial loss to the State Exchequer.

(viii) The said exercise shall be done by the respondents, within a period of six months from the date of receipt of a copy of this order." सत्यमेव जयते

3. In view of the directions issued, as stated above in the batch of writ petitions, no further consideration is required and the directions issued, as stated above, shall be followed in the present writ petition also.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai-600 006.

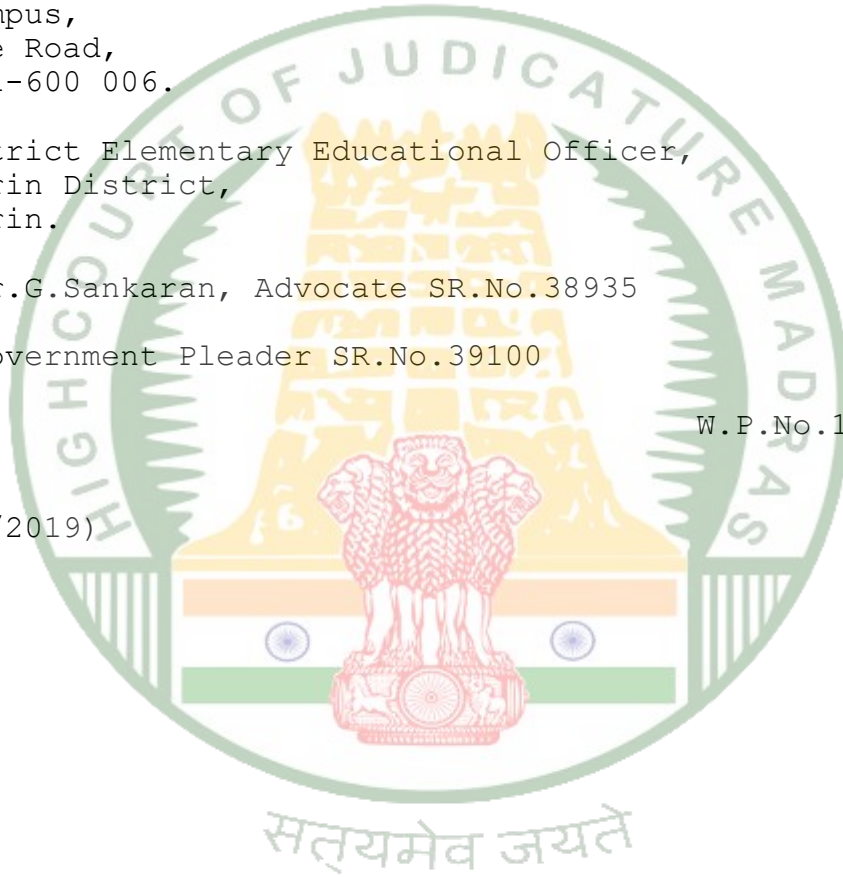
3.The District Elementary Educational Officer,
Tuticorin District,
Tuticorin.

+1cc to Mr.G.Sankaran, Advocate SR.No.38935

+1cc to Government Pleader SR.No.39100

W.P.No.1428 of 2018

SSV(CO)
GMY(06/06/2019)



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